IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.4633 of 2005

DATE OF ORDER: 18.1.2007

Bhajan Kaur and Others

...Petitioner(s)

Versus

Mohinder Singh and Others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. Vikas Behl, Advocate.

Mr. R.S. Ghuman, Advocate.

M.M. AGGARWAL,J

This is petition against order dated 24.8.2005 passed by Civil Judge(Sr.Divn.), Nawanshahr whereby request of the plaintiff, now petitioners for amendment of the plaint had been dismissed.

By way of amendment, petitioners wanted to add the name of petitioner No.1 as “Bhajo Kaur @ Bhajo” and that of petitioner No.3 as “Bhindran @ Bhappi @ Bableen”.

Counsel for the petitioners states that if this amendment are allowed, no evidence is to be led and amendments are clarificatory in nature.

On behalf of the defendants-respondents, this amendment is opposed on the ground that by way of amendment, plaintiffs wants to just demolish the case of the defendants. It is argued that the evidence had already been led by both the parties and the case remained pending for about 10 years when this application was made and now by way of amendment, a new case is being put up. Counsel for the respondents has relied on a judgment reported in Khali and others v. Sadhaba Bewa and Others, AIR 1967 Orissa 58 (V 54 C 27).

Since the amendment being sought are only in the name of the plaintiffs showing as alias, this petition is allowed. Amendment is allowed subject to payment of Rs.2000/- as costs. It is further clarified that adding alias in the names of plaintiffs No.1 & 3 will not give them any extra right to the plaintiffs to lead evidence and also will not effect the rights of the parties.

January 18, 2007 (M.M. AGGARWAL)
manoj JUDGE